

RESOLUTION NO. 2252

A RESOLUTION OF THE CITY OF WILSONVILLE AMENDING THE ACCESS CONTROL PLAN FOR THE WILSONVILLE ROAD PHASE 4 PROJECT AS REGARDS THE PROPERTY LOCATED AT 10925 SW WILSONVILLE ROAD

WHEREAS, on January 18, 2001, the City Council of the City of Wilsonville adopted Resolution No. 1687, approving and adopting an Access Control Plan for the Wilsonville Road Phase 4 Project; and

WHEREAS, on April 3, 2001, the City of Wilsonville (City) and Russell L. Guiss (Property Owner) entered into an Access Agreement limiting access to the property located at 10925 SW Wilsonville Road to a single right turn in/out only in accordance with Resolution No. 1687; and

WHEREAS, the City of Wilsonville and the current property owner, the Russell L. Guiss Trust, wish to amend the Access Control Plan to allow retention of the access limitation through subsequent changes in property ownership until such time as the property redevelops in accordance with the City's land use and comprehensive codes or there is a demonstrated safety-related issue with maintaining the existing access necessitating closure of the direct access to Wilsonville Road as determined by the City Engineer.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The above recitals are incorporated by reference herein.
2. Amendment #1 to the Access Agreement Between the City of Wilsonville and Russell L. Guiss Trust, a copy of which is attached as Exhibit A, is hereby approved and the City Manager is authorized to execute Amendment #1.
3. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of September, 2010, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Knapp - Yes
Councilor Kirk - Yes
Councilor Núñez - Excused
Councilor Goddard - Yes
Councilor Hurst - Yes

Attachments:

Exhibit A – Amendment #1 - Access Agreement Between the City of Wilsonville and Russell L. Guiss Trust

AMENDMENT #1

ACCESS AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND:

Russell. L. Guiss Trust (Property Owner)
10925 SW Wilsonville Road
Wilsonville, OR 97070

RE: TAX LOT: 3S-1W-22AB-100 (Property) &
 Commonly described as
 10925 SW Wilsonville Road
 Wilsonville, OR 97070

RECITALS

- A. On the 3rd day of April, 2001, the City of Wilsonville and the Property Owner entered into an Access Agreement which limited access from the property to a single right turn in/out only.
- B. The agreement provides for the elimination of the direct access provisions outlined in "A" above upon "any change in Property Ownership."
- C. The City of Wilsonville and the Property Owner wish to modify the terms of agreement as outlined in "B" above.
- D. The City of Wilsonville and the Property Owner wish to modify the provision that requires elimination of the direct access provisions upon "any change in Property Ownership" with a provision that allows retention of the access through subsequent ownership of the property until such time as the property redevelops in accordance with the City's land use and comprehensive codes which will result in traffic volumes in excess of those volumes currently generated by the property.

BE IT RESOLVED THAT:

- 1. The City of Wilsonville and the Property Owners wish to modify the terms of the Access Agreement dated the 3rd day of April, 2001.
- 2. The "driveway closure" provision listed as provision #1 on Page 2 of 4 of the Access Agreement dated the 3rd day of April, 2001 is modified as follows:
 - 1. Driveway closure, the City of Wilsonville and Property Owner agree to maintain direct access from the property onto Wilsonville Road through subsequent ownership of the property as long as it remains in its current use as a single family residence until:
 - A. Upon redevelopment in accordance with the city land use and comprehensive codes, the anticipated traffic volumes will be in excess of those volumes currently generated by the property necessitating closure of the direct access. **OR**
 - B. There is a demonstrated safety related issue with maintaining the existing access necessitating closure of the direct access as determined by the City Engineer.

2. All other terms and conditions of said Access Agreement dated the 3rd day of April, 2001 shall remain in full force and effect.

In witness whereof, the City of Wilsonville and the Property Owner execute this amendment #1 to the Access Agreement for Wilsonville Road dated this _____ of August, 2010.

THE CITY OF WILSONVILLE:

By: _____
Arlene Loble, City Manager

PROPERTY OWNER:

By: Norma Hurlocker, Trustee
Norma Hurlocker, Trustee
Russell. L. Guiss Trust

ENGINEERING DEPARTMENT
STAFF REPORT & RECOMMENDATION

DATE: September 20, 2010
TO: Honorable Mayor and City Councilors
FROM: Michael A. Stone, P.E. City Engineer
SUBJECT: Access Control Plan Modification for Guiss Property along
Wilsonville Road.

SUMMARY

In accordance with Ordinance #551, the City has jurisdiction and regulatory control over its rights-of-way under its City Charter and state law. Accordingly, the City has the ability to establish an access control plan for Wilsonville Road. As part of the design process for the reconstruction efforts, it was determined that some of the existing vehicular accesses along the roadway would require closure, combination and relocation to meet the provisions of mandated level of service 'D' provisions. By previous action the City Council has adopted an Access Control Plan for Wilsonville Road Phases 2B, 3A, 3B and 4 which reconstructed and widened Wilsonville Road from the Burlington Northern Railroad Tracks west to the City Limits.

Accordingly, the City entered into an agreement with Russell and Norma Guiss modifying the access from their property to Wilsonville Road. The provisions of the agreement indicate the agreement is to remain in effect as long as they 'own' the property. The owners now wish to sell the property and have asked the City to modify the agreement to reflect this.

RECOMMENDATION

Staff respectfully recommends that the City Council approve the attached modification to the Access Control Plan for Wilsonville Road as previously adopted.

DISCUSSION

With the completion of the access modifications outlined under the provisions of the previous agreement; there have not been any significant issues associated with the access (accidents etc.) and further, Staff does not anticipate any issues regarding same with adoption of the agreement modification. It is anticipated that redevelopment of the property would necessitate additional studies to see if the access does indeed require closure or modification.

AMENDMENT #1

ACCESS AGREEMENT BETWEEN THE CITY OF WILSONVILLE AND:

Russell. L. Guiss Trust (Property Owner)
10925 SW Wilsonville Road
Wilsonville, OR 97070

RE: TAX LOT: 3S-1W-22AB-100 (Property) &
 Commonly described as
 10925 SW Wilsonville Road
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RECITALS

- A. On the 3rd day of April, 2001, the City of Wilsonville and the Property Owner entered into an Access Agreement which limited access from the property to a single right turn in/out only.
- B. The agreement provides for the elimination of the direct access provisions outlined in "A" above upon "any change in Property Ownership."
- C. The City of Wilsonville and the Property Owner wish to modify the terms of agreement as outlined in "B" above.
- D. The City of Wilsonville and the Property Owner wish to modify the provision that requires elimination of the direct access provisions upon "any change in Property Ownership" with a provision that allows retention of the access through subsequent ownership of the property until such time as the property redevelops in accordance with the City's land use and comprehensive codes which will result in traffic volumes in excess of those volumes currently generated by the property.

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 - A. Upon redevelopment in accordance with the city land use and comprehensive codes, the anticipated traffic volumes will be in excess of those volumes currently generated by the property necessitating closure of the direct access. **OR**
 - B. There is a demonstrated safety related issue with maintaining the existing access necessitating closure of the direct access as determined by the City Engineer.

2. All other terms and conditions of said Access Agreement dated the 3rd day of April, 2001 shall remain in full force and effect.

In witness whereof, the City of Wilsonville and the Property Owner execute this amendment #1 to the Access Agreement for Wilsonville Road dated this 21st of SEPTEMBER ~~August~~, 2010.


THE CITY OF WILSONVILLE:

By:


Ariene Loble, City Manager

PROPERTY OWNER:

By:


Norma Hurlocker, Trustee
Russell. L. Guiss Trust